

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ROSETTA ROGERS,

14 Defendant.

CASE NO. CR20-0013-JCC

ORDER

15 This matter comes before the Court on Defendant's motion to proceed with a telephonic  
16 or video sentencing (Dkt. No. 19). Having thoroughly considered the motion and the relevant  
17 record, the Court finds oral argument unnecessary and hereby GRANTS the motion for the  
18 reasons explained herein.

19 **I. BACKGROUND**

20 On February 3, 2020, Defendant pleaded guilty to one count of extortionate  
21 communications in violation of 18 U.S.C. § 875(d). (See Dkt. Nos. 8–10.) Defendant's  
22 sentencing hearing was initially scheduled to occur on April 21, 2020. (See Dkt. Nos. 12–13.)  
23 Defendant's sentencing has since been rescheduled twice due to the COVID-19 pandemic and  
24 once at Defendant's request and is presently scheduled to occur on August 25, 2020. (See Dkt.  
25 Nos. 13–14, 18.) Defendant now moves to proceed with her sentencing via a telephonic or video  
26 conference. (Dkt. No. 19 at 1.) Defendant "consents to a video or telephonic sentencing hearing"

1 and states that the Government does not oppose her request. (*See id.*)

2 **II. DISCUSSION**

3 On March 30, 2020, Chief Judge Ricardo S. Martinez issued General Order 04-20, which  
4 states in relevant part,

5 The use of video conferencing or telephone conferencing for felony pleas under  
6 Fed. R. Crim. P. 11 and felony sentencing under Fed. R. Crim. P. 32 is hereby  
7 authorized provided that the district judge in a particular case finds for specific  
8 reasons that the plea or sentencing in that case cannot be further delayed without  
9 serious harm to the interests of justice. In cases that can be further delayed without  
10 such harm, the district judge should instead continue the sentencing or trial date.

11 W.D. Wash., General Order 04-20, at 2–3 (Mar. 30, 2020); *see* W.D. Wash., General Order 11-  
12 20, at 2 (July 30, 2020) (continuing General Order 04-20 through September 8, 2020).

13 Under General Order 11-20, in-person criminal hearings in the Seattle Courthouse of the  
14 Western District of Washington will not resume until at least September 8, 2020. *See* W.D.  
15 Wash., General Order 11-20, at 1–2 (July 30, 2020). Thus, absent the Court’s intervention,  
16 Defendant cannot be sentenced in person until at least September 8, 2020, despite having pleaded  
17 guilty over six months ago. (*See* Dkt. Nos. 8–10.) Defendant will be prejudiced if her sentence is  
18 delayed until in-person hearings resume because the “parties’ agreement contemplates no jail  
19 time” and Defendant has an interest in the speedy resolution of this matter. (*See* Dkt. No. 19 at  
20 2.) The Court therefore FINDS that Defendant’s sentencing “cannot be further delayed without  
21 serious harm to the interests of justice.” W.D. Wash., General Order 04-20, at 2–3 (Mar. 30,  
22 2020).

23 **III. CONCLUSION**

24 For the foregoing reasons, Defendant’s motion to proceed with a telephonic or video  
25 sentencing (Dkt. No. 19) is GRANTED. Defendant’s remote sentencing will occur on August 25,  
26 2020, at 10:00 a.m.

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1 DATED this 12th day of August 2020.  
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7 John C. Coughenour  
8 UNITED STATES DISTRICT JUDGE  
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